

HOUSE No. 3081

The Commonwealth of Massachusetts

PRESENTED BY:

Denis E. Guyer

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act to Study the Safe, Reliable, and Cost-effective Transmission of Electric Power in the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Denis E. Guyer	2nd Berkshire
Bruce E. Tarr	First Essex and Middlesex
Benjamin B. Downing	Berkshire, Hampshire and Franklin
Michael R. Knapik	Second Hampden and Hampshire
Stephen L. DiNatale	3rd Worcester
Denise Provost	27th Middlesex

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT TO STUDY THE SAFE, RELIABLE, AND COST-EFFECTIVE TRANSMISSION OF ELECTRIC POWER IN THE COMMONWEALTH.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. *Whereas*, Safe and efficient high-voltage transmission in the

Commonwealth is essential for the reliable and cost-effective delivery of electric power to homes and businesses in Massachusetts; and

Whereas, Awareness of the vital importance of climate change has made energy efficiency a matter of national and state urgency, and

Whereas, the Federal Energy Regulatory Commission issued a report on September 7, 2004 describing the need for clarification of the state, federal and local regulatory environment to permit efficient and coordinated control of vegetation along ROWs; and

Whereas, the uncontrolled growth of trees in the “wire security zone” was found by a Canadian/US commission to be the principle cause of the worst blackout in US history, affecting some 50 million people in August, 2003, and

Whereas, the toxicity of herbicides used for such vegetation control to fish, birds, mammals and, especially amphibians is well established by a preponderance of scientific evidence,

Therefore, a commission is formed to study ways to preserve and enhance safe and efficient transmission of electric power in the Commonwealth, including

a) evaluating the relative merits and applications of above-ground and underground transmission relative to safety, cost and reliability,

b) studying current industry vegetation control practices in “wire security zones” and the vegetation control’s impact on efficiency of energy transmission and on animals and humans and alternative vegetation management practices which might reduce the need for herbicides, and

c) assessing the security and regulation of wind, solar, hydroelectric and other forms of privately-owned (i.e. distributed generation) electricity including the qualifications of approved installers and just and fair compensation for electricity added to the grid from these sources.

SECTION 2. The study commission shall include four members

appointed by the Speaker of the House, four members appointed by the Senate President, and eight members appointed by the Governor.

These members shall include the chairs of the joint committee on the environment, the chairs of the joint committee on energy, one

member of a Massachusetts environmental group, the commissioner of agriculture, one biologist specializing in pesticides and herbicides,

the secretary of the department of telecommunications and energy,

and two representatives of the electric industry. The committee shall

request opinions from Electricity Producers and Distributors, UMass Extension, the Massachusetts Geological Information Services, the Massachusetts delegation to the US Congress, the National Council of State Legislators, the North American Electric Reliability Council, the National Association of Regulatory Utility Commissioners, and the United States Fish and

Wildlife Service and any other institution or individual.

The charge to the Commission shall include, but not be limited to the following:

a) Study the reliability of above-ground transmission lines in urban areas, including Lynn and surrounding cities and towns, and recommend legislation or other actions to be taken to assure reliable, efficient and safe electricity transmission,

b) Assess the width of ROWs in Massachusetts relative to the voltage carried by power lines and the need, if any, for additional construction, capacity enhancement, and emergency

powers for utility line managers to prune, top, or remove individual

trees on private or state-owned land outside the ROW that pose a

danger of falling or being blown down onto active high-voltage

lines, thus interrupting the effective transmission of electrical power

throughout the power grid.

c) Evaluate current industry standards and practices of installing, managing and recompensing private producers of electricity and the need for changes in practice, if any, relative to any aspect of those standards, including the qualifications of installers and

d) Evaluate industry practices of vegetation management in electric “wire security zones” including impact on animals, including fish, birds, mammals and amphibians, and on humans.

e) Explore the applicability of vegetation management practices that propagate and encourage the growth of low bushes and shrubs such as Hazelnut (*Corylus Americana*), Mountain Laurel (*Kalmia latifolia*), blueberries (*Vaccinium corymbosum*), and other species that can provide food for animals and humans and beautification as a supplement or alternative to cutting, mowing and the application of herbicides.

f) Determine the feasibility and costs of mapping of the entire high-voltage electrical grid in Massachusetts highlighting areas requiring enhancement or new construction to ensure safe, reliable and efficient transmission of electricity and of designating wetlands, streams and vernal pools where frogs and amphibians breed.

g) Appraise the feasibility of creating a state program to allow municipalities to plant and maintain native bushes and shrubs, including Blueberries, Hazelnut, and Mountain Laurel in electric “wire security zones”, as an alternative to current vegetation management.

h) Provide recommendations for legislation or regulation changes on any matters arising from this study, to include recommendations for the protection and preservation of species diversity, including but not limited to restrictions on vegetation control methods, rates of herbicide application and seasonality of vegetation control to accommodate the reproductive cycle of affected amphibians and any other species of critical concern.

i) Generate recommendations for further study, if necessary, including how and when that further study should take place.

SECTION 3. Within nine months of the commission appointment, a final report shall be filed with the joint committee on energy, the

79 joint committee on the environment, the governor, and shall be made
80 available to the public. The commission shall end three months after
81 the publishing of the final report.